Claim Amendments

Please amend the claims as follows. This listing of claims will replace all prior versions and listing of claims in the application.

1. (Currently Amended) A method of guaranteying a minimum cash flow for a business entity that holds at least one facility that converts a first commodity to a second commodity, comprising:

~~establishing a contract between~~ entering into, by the business entity, a contract with ~~and~~ an option grantor, wherein the contract obligates the option grantor, in exchange for a contract premium paid by the business entity to the option grantor, to pay the business entity a payment after a look-back period, when the aggregate value of one or more strips of options corresponding to one or more facilities subject to the contract is below a predetermined value, and where the value of each option in the strip is based on a spread between the price of the second commodity and the cost of producing the second commodity from the first commodity, where the price and cost are assessed based on price and cost information over the look-back period; and

determining, by a computer system, an amount of the payment after the look-back period when the aggregate value of the one or more strips of options corresponding to the one or more facilities subject to the contract is below the predetermined value.

2. (Original) The method of claim 1, wherein the aggregate value of one strip of options corresponding to one facility is equal to the sum of the values of each option in the strip for the facility.

3. (Original) The method of claim 1, wherein the aggregate value of one strip of options corresponding to one facility is related to the sum of the values of each option in the strip for the facility.

4. (Original) The method of claim 1, wherein the price and cost information are price indices for the first and second commodity specified in the contract.

5.(Original) The method of claim 1, further comprising the business entity paying the premium to the option grantor with proceeds from a financing.

6. (Original) The method of claim 5, wherein the financing includes a debt offering.

7. (Original) The method of claim 1, wherein the look-back period is selected from the group consisting of six months and one year.

8. (Currently Amended) The method of claim 1, further comprising entering into, by the business entity, a second contract with ~~and~~ the option grantor ~~establishing a second contract~~ covering a successive look-back period.

9. (Original) The method of claim 1, further comprising a third-party guarantor guarantying payment obligations of the option grantor under the contract.

10. (Currently Amended) A method of guaranteying a minimum cash flow for a business entity that holds a facility that converts a first commodity to a second commodity, comprising:

entering into, by an option grantor, a contract with the business entity, wherein the contract obligates the option grantor to pay the business entity a payment when the aggregate value of one or more strips of options corresponding to one or more facilities subject to the contract is below a predetermined value, and where the value of each option in the strip is based on a spread between price of the second commodity and the cost of producing the second commodity from the first commodity, and wherein the price and cost are assessed based on price and cost information over the look-back period; and

~~the option grantor~~ receiving, by the option grantor, a premium in exchange for entering into the contract.

11. (Original) The method of claim 10, further comprising a third-party guarantor guarantying payment obligations of the option grantor under the contract.

12. (Currently Amended) A system, comprising:

a computing device, wherein the computing device comprises a computer readable medium for storing instructions, and wherein the computing device, upon executing the instructions, ~~for determining~~ determines whether an option grantor is required to pay a business entity a ~~payout~~ payment under a contract, wherein the business entity holds at least one facility that converts a first commodity to a second commodity, and wherein

the contract obligates the option grantor, in exchange for a contract premium paid by the business entity to the option grantor, to pay the business entity a payment after a look-back period, when the aggregate value of one or more strips of options corresponding to one or more facilities subject to the contract is below a predetermined value, and where the value of each option in the strip is based on a spread between the price of the second commodity and the cost of producing the second commodity from the first commodity, where the price and cost are assessed based on price and cost information over the look-back period.

13. (Original) The system of claim 12, wherein the aggregate value of one of the strips of options corresponding to one facility is equal to the sum of the values of each option in the strip for that facility.

14. (Original) The system of claim 12, wherein the aggregate value of one of the strips of options corresponding to one facility is related to the sum of the values of each option in the strip for that facility.

15. (Currently Amended) The system of claim 12, wherein the computing device is further <u>used</u> for computing the payment amount when it is determined that the option grantor is required to pay the business entity.

16. (Currently Amended) The system of claim 15, wherein the computing device is further <u>used</u> for electronically transferring the payment from an account of the option

grantor to an account of the business entity when it is determined that the option grantor is required to pay the business entity.

17. (Currently Amended) A computer readable medium having stored thereon instructions which, when executed by a computing device, cause the computing device to:

determine whether an option grantor is required to pay a business entity a ~~payout~~ payment under a contract, wherein the business entity holds at least one facility that converts a first commodity to a second commodity, and wherein the contract obligates the option grantor, in exchange for a contract premium paid by the business entity to the option grantor, to pay the business entity a payment after a look-back period, when the aggregate value of one or more strips of options corresponding to one or more facilities subject to the contract is below a predetermined value, and where the value of each option in the strip is based on a spread between the price of the second commodity and the cost of producing the second commodity from the first commodity, where the price and cost are assessed based on price and cost information over the look-back period.

18. (Original) The computer readable medium of claim 17, having further stored thereon instructions which, when executed by the computing device, cause the computing device to:

compute the payment amount when it is determined that the option grantor is required to pay the business entity.

19. (Original) The computer readable medium of claim 18, having further stored thereon instructions which, when executed by the computing device, cause the computing device to:

electronically transfer the payment from an account of the option grantor to an account of the business entity when it is determined that the option grantor is required to pay the business entity.

20. (Currently Amended) A method of guaranteeing a minimum cash flow for a business entity that holds at least one facility that converts a first commodity to a second commodity, comprising:

~~the business entity~~ entering into, by the business entity, an offtake contract with an offtaker, wherein the offtake contract obligates the offtaker to pay the business entity for output of the second commodity based on at least one of a spot market price and an index price for the second commodity; ~~and~~

~~the business entity~~ entering into, by the business entity, a contract with an option grantor, wherein the contract obligates the option grantor, in exchange for a contract premium paid by the business entity to the option grantor, to pay the business entity a payment when the sum of payments from the offtaker to the business entity is below a predetermined value over a look-back period; and

determining, by a computer system, an amount of the payment after the look-back period when the sum of payments from the offtaker to the business entity is below a predetermined value over a look-back period.

21. (Original) The method of claim 20, wherein the offtake contract obligates the offtaker to pay the business entity for output of the second commodity based on a function of the price of the first and second commodities.